



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARVIN L. SCHURKE, Executive Director

711 Capitol Way South, Suite 603 • Post Office Box 40919 • Olympia, Washington 98504-0919
(360) 570-7300 • Fax: (360) 570 - 7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov

MINUTES

April 13, 2004

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in 603 Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington. Those present and participating were:

Marilyn Glenn Sayan, Chairperson
Joseph W. Duffy, Commissioner
Pamela G. Bradburn, Commissioner

Marvin L. Schurke, Executive Director
Majel C. Boudia, Confidential Secretary
Mark S. Downing, Compliance Officer
Starr Knutson, Labor Relations Adjudicator/Mediator
Sally J. Iverson, Representation Coordinator

Also present and participating:

Gladys Burbank, Washington Federation of State Employees

MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting held on March 16, 2004, were approved at this meeting.

Chairperson Sayan requested the minutes be added to the website. Further discussion determined that they be added on a rolling-year basis, beginning with July 2003.

The Commission welcomed Dario de la Rosa as Special Assistant to the Commission.

MOTION FOR TEMPORARY RELIEF

A motion for temporary relief had been added to an amended agenda for *Port of Seattle*, Case 18378-U-04-4686. The Executive Director reported that counsel for the union had indicated, by telephone, that the motion is being withdrawn.



REPORT OF THE EXECUTIVE DIRECTOR

1. Case intake for March was huge, with 105 cases filed. This is above the five year average, but is not an all-time record.
2. Case closures for the month of March were also huge, with 120 cases closed.
3. There were 590 cases pending at the end of March.
4. Mr. Schurke reviewed a statistical analysis describing the pace of case intake and decisions since the origin of the agency. There has been a huge increase in case filings since 2002, after overall intake had been fairly consistent throughout the history of the agency. The production of decisions increased gradually over the history of the agency, but has increased faster since 2002. Commissioner Bradburn questioned the "lump" of case filings in 2002, when Department of Personnel cases were transferred to the agency. That workload was handled by the combining staffs of the two agencies.
5. The "Red List" of cases ready for decision more than 90 days was reviewed. There were two cases on the list, of which *City of Seattle*, Case 17882-E-03-2888 just came onto the list and is actively being worked on, while *Whatcom County*, Case 17041-U-02-4418, was in the final stages of editing.
6. The "Yellow List" of cases ready for decision 46 to 89 days was reviewed. This list also contained two cases. *Central Washington University*, Case 17439-E-03-2833, and *Clover Park Community College*, Case 16668-U-02-4352, were both actively being worked on.
7. Mr. Schurke used a projector to review bargaining units under the Personnel System Reform Act (PSRA). The 80 general government units that were on the list in June 2002 have increased to about 127 units, due to a combination of units being divided and new organizing efforts. The 70 higher education units that were on the list in June 2002 (including 41 units at the University of Washington) increased to about 110 units and has now backed off to about 100 units with mergers of 11 units into 2 at the University of Washington. Mr. Schurke also reviewed several recent large elections and several agencies that have separated their units quietly.

Mr. Schurke thanked Starr Knutson for her work on the PSRA bargaining units, and he thanked Sally Iverson for her work on the representation cases. Chairperson Sayan indicated she has heard many good comments about Ms. Knutson and Ms. Iverson, including that they are a pleasure to work with. Both women were in attendance, and the Commission thanked them.

8. The Commission reviewed a letter from John R. Charles, Director of the Department of Retirement Systems, thanking Ken Latsch and Carlos Carrion for their invaluable assistance in resolve several disputes. Agreement was reached and related unfair labor practice hearings were cancelled.

COMPLIANCE DOCKET

Richland School District, Case 15435-U-00-3903.

Compliance had not been received. Compliance Officer Mark S. Downing called the attorneys this morning. Last week was spring break in this district. There is a school board meeting this evening, and Kenneth Rice expects formal steps to be taken tonight. Although late, he will send the letter later this week regarding compliance. This matter will be held over until the May Commission meeting.

City of Seattle, Case 15932-U-01-5068.

Mr. Schurke reviewed the case. The union filed a cross-appeal which remains pending. By letter filed April 9, 2004, the union asked the Commission to seek enforcement. The Executive Director recommended that the union's request is premature, or a new complaint may need to be filed. The Commission directed Mr. Schurke to send a letter to the parties indicating that the request is premature.

COURT DOCKET

Mr. Schurke reviewed history of cases regarding court employees and a recent case out of Yakima County that dealt with some of the same issues. The Supreme Court of the State of Washington has ordered the parties to bargain the issues. The decision was provided for review.

King County, Cases 13517-E-97-2262, 13518-E-97-2263, 13519-E-97-2264 and 13520-E-97-2265. These are cases involving King County and the King County Technical Employees Association. Thurston County Superior Court and the Court of Appeals affirmed the Commission's decision. An order of dismissal on remand was filed in Thurston County Superior Court on April 9, 2004. The matter is now closed.

COMMISSION DOCKET

The Commission docket was reviewed in detail, and the status of each case was discussed.

Spokane County, Case 15946-U-01-4068.

The Commission reviewed Mr. Schurke's letter to the parties regarding withdrawal of the appeal, and their responses. The parties are in agreement to withdraw the appeal and to accept their settlement in a related court proceeding in lieu of compliance with the Examiner's order. The Commission unanimously accepted the withdrawal. The case will now be closed.

Mr. Schurke noted that he asked Spencer Thal about dormant unfair labor practice cases on the Commission's docket (approximately 20) in a telephone conversation this morning, and Mr. Thal indicated that a withdrawal will be forthcoming.

Mr. Schurke also discussed the recent objections filed by graduate students in *University of Washington*, Case 16288-E-02-2699. Objections were filed by e-mail attachment. No conforming copies have been filed. The decision has been issued. It was recommended that a response be sent via e-mail. Commissioner Bradburn suggested the responses include where to find the decision on our website.

ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



JOSEPH W. DUFFEY, Commissioner

PAMELA G. BRADBURN, Commissioner

ATTEST:



MARVIN L. SCHURKE, Executive Director